

SEP 19 2019



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX

75 Hawthorne Street
San Francisco, CA 94105

Certified Mail: 7018 0680 0000 3319 8895
Return Receipt

Moussa Soumekh
454 North Oakhurst Properties, LLC.
116 North Maryland Ave #240
Glendale, CA 91206-4292

Subject: Lead Renovation, Repair, Painting Rule Warning Letter

Dear Mr. Soumekh:

The U.S. Environmental Protection Agency (EPA) received a complaint stating that you had renovation work performed at 454 North Oakhurst Drive in Beverly Hills, CA that potentially violated federal regulations for lead-based paint activities under the Toxic Substances Control Act (TSCA) Renovation, Repair, and Painting (RRP) Rule, codified at 40 C.F.R. § 745, Subpart E. The RRP Rule contains requirements that firms and/or individuals involved in repairs, renovation, or painting of pre-1978 housing or child-occupied facilities must follow. The building on North Oakhurst Drive in Beverly Hills was built in 1961. The purpose of this letter is to notify you that failure to comply with the RRP Rule is prohibited under Section 409 of TSCA, 15 U.S.C. § 2689, and may subject you to civil penalties of up to \$38,000 per violation.

Based on our preliminary investigation, EPA is concerned that these violations may be occurring:

- Your work crew is out of compliance with lead-safe work practices.
- Workers conducting lead-based paint renovation, repair and painting activities are not individually certified renovators.
- Unskilled workers are not trained by certified individual renovator.

Further details can be found in the document titled, "Small Entity Compliance Guide to Renovate Right" which you can find online at

<https://www.epa.gov/sites/production/files/documents/sbcomplianceguide.pdf>. The following is a summary list of the RRP Rule requirements:

- You must be certified by the EPA to conduct RRP work. Go to <https://www.epa.gov/lead/renovation-repair-and-painting-program-contractors#firm> for firm certification. Certification costs \$300.00 and is valid for 5 years.
- You must have individually certified renovator(s) to oversee the work.
- You must use lead-safe work practices, for example:

- post warning signs at the entrance to the work area;
- use plastic containment barriers to prevent the spread of paint chips and dust;
- handle waste in a lead-safe manner;
- avoid prohibited practices such as open-flame burning, torching, or operating a heat gun at over 1100°F;
- **ensure that the work site is properly cleaned and that a post-renovation cleaning verification or dust clearance testing is conducted.**
- Workers must be trained by a certified renovator.
- **The pamphlet entitled “*Renovate Right*” must be given to client’s/property owners/occupants before the renovation begins.**
- Required records must be available and retained for 3 years.

You are required to comply with the RRP Rule if you continue to work on pre-1978 housing or child-occupied facilities. Issuance of this compliance assistance letter does not preclude EPA from pursuing penalties authorized by law in the future.

At <https://www.epa.gov/sites/production/files/2017-06/documents/smallbusinessinfo.pdf> we have an information sheet entitled *U. S. EPA Small Business Resources*, which you may find helpful if you are a qualified small business. Additional information can be found on-line at www.epa.gov/lead or by calling the National Lead Information Center at 1-800-424-5323. Attached please find a copy of a recent press release pertaining to lead-based paint enforcements.

If you have any questions, feel free to contact Olof Hansen (Senior Environmental Employment Grantee) of my staff at (415) 972-3783 or email him at hansen.olof@epa.gov.

Sincerely,



Matt Salazar, PE
Manager, Toxics Section
Enforcement and Compliance Assurance Division

Enclosure:
Press Release



U.S. ENVIRONMENTAL PROTECTION AGENCY

NEWS RELEASE

WWW.EPA.GOV/NEWSROOM

For Immediate Release: August 27, 2019

Media Contact: Soledad Calvino, 415-972-3512, calvino.maria@epa.gov

U.S. EPA settles with Southern California firms over lead-based paint hazards

LOS ANGELES – Today, the U.S. Environmental Protection Agency (EPA) announced five lead-based paint enforcement actions—for a combined total of over \$64,000 in settlements—in Southern California. These companies failed to comply with federal regulations requiring them to protect workers and the public from exposure to lead.

“Reducing childhood lead exposure and addressing associated health impacts is a top priority for EPA,” **said EPA Pacific Southwest Regional Administrator Mike Stoker.** “These settlements protect Southern California communities by ensuring that lead paint rules and regulations are followed.”

EPA settled with the following companies for violations of the Renovation, Repair and Painting Rule under the Toxic Substances Control Act (TSCA):

Pacific Home Remodeling Inc. (Los Angeles, Calif.): The company performed renovation work without EPA certification and without ensuring that the individuals doing the work were certified. These certification requirements protect and train workers to implement practices to protect residents from possible exposure to lead-based paint. Pacific Home Remodeling also did not contain waste from renovation activities and did not retain proper records, such as those ensuring that a certified renovator performed on-the-job training for workers and performed post-renovation cleaning verification. The firm agreed to pay a \$5,000 civil penalty.

Hartman Baldwin Inc. (Claremont, Calif.): The company failed to renew its EPA certification to do renovation work between 2015 and 2019. Hartman Baldwin also failed to post warning signs indicating the potential dangers present and did not retain proper records. The firm agreed to pay a \$12,897 civil penalty.

Create RE Inc. (El Segundo, Calif.): The company performed renovation work without EPA certification, did not clean the work area of dust, debris and residue, and lacked the proper records demonstrating compliance with lead-safe work practices. The firm agreed to pay a \$5,135 civil penalty.

Ameko APS Inc. (Pomona, Calif.): The company performed renovation work without EPA certification and failed to retain proper records. In addition, Ameko failed to provide clients with the “Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools” brochure about lead-safe work practices. The firm agreed to pay a \$9,000 civil penalty.

EPA settled with **McNamara Realty (San Luis Obispo, Calif.)** for \$32,000 for over 100 violations of TSCA’s Disclosure Rule. The company, among other things, failed to distribute the federal “Protect Your Family from Lead in your Home” brochure, provide lead warning statements, or disclose the potential presence of lead-based paint hazards.

In addition to the penalties, each company has made corrections to its operations, including becoming EPA-certified if not already certified.

Lead exposure can cause a range of negative health impacts and is particularly dangerous for young children because their nervous systems are still developing. In 1978, the federal government banned consumer uses of lead-based paint; however, it is still present in millions of older homes, sometimes under layers of new paint.

The Renovation, Repair, and Painting Rule was created to protect the public (especially children under 6) from lead-based paint hazards that occur during repair or remodeling activities in homes and child-occupied facilities built before 1978. The rule requires individuals performing residential renovations be properly trained, certified and follow lead-safe work practices.

The Disclosure Rule requires landlords, property managers, real estate agents, and others who sell or rent houses built before 1978 to provide known information on the presence of lead-based paint and lead-based paint hazards to buyers or tenants.

Learn about the Renovation, Repair and Painting Rule and program: <https://www.epa.gov/lead/renovation-repair-and-painting-program>

Learn about certification and training requirements for renovation firms: <https://www.epa.gov/lead/renovation-repair-and-painting-program-contractors>

Learn about the Disclosure Rule: <https://www.epa.gov/lead/real-estate-disclosure>

Report a lead-based paint violation: <https://www.epa.gov/lead/pacific-southwest-lead-based-paint-tips-complaints>

Learn more about EPA’s [Pacific Southwest Region](#). Connect with us on [Facebook](#) and on [Twitter](#).

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